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Annual ministerial review: implementing the internationally agreed goals and commitments in regard to gender equality and empowerment of women

Statement submitted by Agency for Cooperation and Research in Development, a non-governmental organization in consultative status with the Economic and Social Council

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 30 and 31 of Economic and Social Council resolution 1996/31.

* E/2010/100.

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Statement

End impunity for sexual and gender-based violence

Agency for Cooperation and Research in Development welcomes this annual ministerial review of the implementation of goals and commitments in regard to gender equality and empowerment of women. In addressing gender, the United Nations development agenda makes particular reference to sexual exploitation, violence and abuse in situations of armed conflict, and highlights the importance of both adopting and enforcing legislation on violence against women.

Agency for Cooperation and Research in Development recently concluded a review of the legal frameworks for responding to sexual and gender-based violence of five countries in the Great Lakes region of Africa, namely Burundi, the Democratic Republic of the Congo, Kenya, Uganda and the United Republic of Tanzania. It reviewed legislation, judicial practices, police procedures and health infrastructure. Disappointingly, many gaps were found in the national legal frameworks and even greater failures in implementation.

Legislation: While international and regional human rights instruments, protocols, declarations and resolutions adopt a stern approach to sexual and gender-based violence, domestic legislation has rarely been effected.

Judicial practices: Judicial decisions on sexual and gender-based violence are influenced by patriarchal norms, many cases are withdrawn before coming to court, and, even when perpetrators are found guilty, strong penalties are rarely imposed. However, when specific laws or sexual crimes are in place, the broad discretion of the courts is largely minimized and stricter sentences are imposed.

Police procedures: Police departments are often unaware that sexual and gender-based violence is a crime; they have little empathy and are not taught how to deal with survivors. In nearly all the countries reviewed, most prosecutions of perpetrators fail as a result of inadequate investigations.

Health infrastructure: The unavailability of health services in many areas of the countries greatly compromises the ability to collect forensic evidence on sexual and gender-based violence and affects the physical, mental and emotional well-being of survivors.

In situations of conflict, both the incidence of and impunity for sexual and gender-based violence is heightened. Regrettably, we found that, in many cases, even after the conflict ended, little judicial or corrective action against such violence was taken. It continues as an everyday violation. Often, the rape of women and girls soon fades out of national prominence, leaving survivors feeling abandoned by the State. The situation is worst when power ends up in the hands of combatants, who fear being brought to justice themselves.

Fundamentally, the legal frameworks are undermined by societies and cultures that close their eyes to sexual and gender-based violence. In this social context, genuine political will and resource allocation are lacking. Agency for Cooperation and Research in Development believes it is essential to address underlying gender inequalities and power relations between men and women in African countries, if we are ever to end impunity for this type of violence.

We urge all Governments to adopt laws and enforcement mechanisms that promote gender equality and that place the rights of women on a par with those of men in all respects. In particular, we ask the Governments of the Great Lakes region to harmonize all relevant national laws and criminal procedures, in accordance with the provisions of the Protocol on the Prevention and Suppression of Sexual Violence against Women and Children of the International Conference on the Great Lakes Region.